UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>23 April 2007</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6-9,11,14-18,20,22 and 30-44* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6-9,11,14-18,20,22 and 30-44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>2/08/07</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date: _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Priority

1.   Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or

under 35 U.S.C. 120, 121, or 365(c) is acknowledged. Applicant has not complied with one

or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 119(e).

The later-filed application must be an application for a patent for an invention which is also

disclosed in the prior application (the parent or original nonprovisional application or

provisional application). The disclosure of the invention in the parent application and in the

later-filed application must be sufficient to comply with the requirements of the first

paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*,

38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

The disclosure of the prior-filed application, Application No. 60/273,139, fails to provide

adequate support or enablement in the manner provided by the first paragraph of 35 U.S.C.

112 for one or more claims of this application. In particular, the limitations corresponding to

the particular addition or usage of priority levels wherein information is distributed in

accordance with the order of priority is not disclosed in the earlier filling. Accordingly, the

application is being examined based upon its filling date of 12 July 2001.

Information Disclosure Statement

2.   The information disclosure statement (IDS) submitted on 08 February 2007 was filed

after the mailing date of the Non-Final Rejection on 23 January 2007. The submission is in

compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure

statement is being considered by the examiner.

Response to Arguments

3.   Applicant's arguments with respect to claims 1, 15, 16, 30, and 40 have been considered

but are moot in view of the new ground(s) of rejection.

With respect to applicant's arguments pertaining to the combination of Knudson and

Rasson not teaching or suggesting the assignment of a priority based on the actual content of

the data feeds, the examiner respectfully disagrees. Knudson teaches that the particular

length of expiration varies 'based upon actual content of the data feeds' by illustrating in

Figure 20 that each of the differing contents of data are assigned to a particular expiration

period. These expiration durations and 'types of content' correspond to the same order of

priority as that set forth in the specification (IA: Page 16, Lines 3-11). Knudson thereby

recognizes that some of the content data streams is more time sensitive than other types of

content. Rasson teaches the prioritization of television program data based on whether or not

it is needed sooner or later based upon its 'expiration' (Col 8, Lines 8-18). Rasson further

recognizes expiration is based on the particular content by teaching that seven-day listings

have a longer expiration time and therefore lower priority than current listing information

(Col 6, Line 64 – Col 7, Line 14). Accordingly, taken in combination, it is the examiner's

opinion that the references assign priority based on the content of the data as claimed.

Claim Rejections - 35 USC § 103

4.   ' The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

5.   This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent

any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to

point out the inventor and invention dates of each claim that was not commonly owned at the

time a later invention was made in order for the examiner to consider the applicability of 35

U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6.   Claims 15-18, 20, 22, and 40-44 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Knudson et al. (US Pat No. 6,536,041) in view of Rasson et al. (US Pat

No. 6,137,549).

Claim 15 is rejected wherein the Knudson et al. reference discloses a "method for

creating a data stream associated with televised sporting events". Knudson et al. discloses

"generating first event-based content associated with a first one of a plurality of televised

sporting events, the first event-based content occurring in real-time" such as a scoring events

(Col 10, Lines 49-54; Col 11, Lines 44-53) and "generating second event-based content

associated with a second one of a plurality of televised sporting events, the second event-

based content including daily changing information" such as information corresponding to

the team itself (Col 17, Lines 26-32; Col 18, Lines 20-23) both the "first" and "second

event-based content" are associated with a respective "first" and "second event identifier"

serving to identify the particular type of content/data (Knudson et al.: Figures 20 and 22).

As illustrated, the expiration time of the data is 'based on the content of the first and second

event-based content'. The reference, however, is silent with respect to the particular

packetization and assignment of prioritization information in association with the distribution

of the associated content.

In an analogous art pertaining to the field of interactive video distribution, the Rasson et

al. reference discloses a system and method for the prioritized delivery of data based at least

upon the expiration time of the content of the data. In particular, the reference teaches

"creating data packets" [78], "assigning . . . priorities . . . wherein the . . . priority [is]

assigned based on the content of the . . . content" or factors including the expiration time /

timeliness of particular content of the data (Col 6, Line 64 – Col 7, Line 14), "determining

whether the first priority is greater than the second priority", "inserting the . . . data packets

into the data stream" in order of priority and "sending the data stream to a client system"

(Col 8, Lines 8-42). The claimed priority labels used to designate these differing levels of

priority (ex. "High", "Fast", "Normal", and "Low") merely appear to be logical designations

representative of the particular order of priority for data distribution (there is no real-time

priority level as opposed to "High" described in the specification). Accordingly, it would

have been obvious to one having ordinary skill in the art at the time the invention was made

so as to modify Knudson et al. using the teachings of Rasson et al. so as to "assign a first

priority to said first event-based content", "create a first data packet including the first event-

based content and the first event identifier", "assign a second priority to the second event-

based content, the second priority being different from the first priority, wherein the first and

second priority are assigned based on the content of the first and second event-based

content", "create a second data packet including the second event-based content and the

second event identifier", "determine whether the first priority is greater than the second

priority", "insert the first data packet and the second data packet into the data stream when

the first priority is greater than the second priority; and sending the data stream to a client

system" in light of the teachings of Rasson et al. for the purpose of providing an

efficient/improved arrangement for the delivery of program guide data to set-top terminals

(Rasson et al.: Col 1, Lines 38-63).

Claim 16 is rejected in light of the aforementioned combination of references which

taken in combination discloses a "television broadcast service providing dynamic

information associated with a plurality of broadcast television programs concerning sporting

events". As illustrated in Figure 1, Knudson et al. illustrates a "broadcast center" [40] for

"collecting a multiplicity of live data feeds associated with the sporting events" (Col 5, Line

53 – Col 6, Line 9), an "event producer" [22], and a "content aggregator cascaded with the

event producer" [22] for "aggregating the output data feeds from the event producer,

generating a stream of broadcast content based on the aggregated data feeds, and sending the

stream of broadcast content based on the aggregated data feeds to a client system" [48]

(Figure 11; Col 6, Lines 26-43).

Knudson discloses the particular existence of a plurality of data feeds each of which is

associated with differing expiration times (Col 17, Lines 26-45). For example, the Figure 20

illustrates a "first data feed" corresponding to scoring updates, and a "second data feed"

corresponding to league scores or game recap information which has a longer expiration time

than the 'first data feed' associated with scoring updates, a "third data feed" corresponding to

team notes which has a longer expiration time than the 'second data feed' or league scores,

and a "fourth data feed" corresponding to league schedule information which has an

expiration time than that associated with the 'third data feed' or team notes. As shown, all of

these 'data feeds' have an expiration 'based on the content of the respective data feed'. The

reference, however, is silent with respect to the prioritization, sorting, and subsequently

outputting the sorted feeds.

In an analogous art pertaining to the field of interactive video distribution, the Rasson et

al. reference discloses techniques for the prioritization of distribution of data associated with

programming guides. In particular, the reference discloses "assigning each of the data feeds

one of a set of priority attributes . . . wherein the priority levels are based on the content of

the respective data feeds" (ex. higher priority or lower priority depending on the timeliness of

the data) (Col 6, Line 64 – Col 7, Line 14), "formatting the data . . . for a one-way broadcast

transmission" of the data to the local distribution node (Col 7, Line 66 – Col 8, Line 7),

"sorting the data . . . according to their assigned priority attributes, and outputting the sorted

data" (Figures 3 and 5; Col 6, Lines 1-40; Col 8, Lines 8-42). Accordingly, it would have

been obvious to one having ordinary skill in the art at the time the invention was made to

modify the Knudson et al. "event producer" [22] so as to "assign each of the data feeds one

of a set of priority attributes, a first data feed having a priority level of a real-time level, a

second data feed having a priority level of a fast level which is less than the real-time level, a

third data feeds having a priority level of a normal level which is less than the fast level, and

a fourth data feed having a priority level of a low level which is less than the normal level, wherein the priority levels are based on the content of the respective data feeds, [to] format the data feeds for a one-way broadcast transmission, [to] sort the data feeds according to their assigned priority attributes, and [to]output the sorted data feeds" for the purpose of providing an efficient/improved arrangement for the delivery of program guide data to set-top terminals (Rasson et al.: Col 1, Lines 38-63).

Claim 17 is rejected wherein the "broadcast content of the first data feed comprises real-time event notifications associated with the plurality of broadcast sporting events" such as those corresponding to scoring (Knudson et al.: Col 17, Line 64 – Col 18, Line 30).

Claim 18 is rejected wherein the "broadcast content of the first data feed comprises alert notifications associated with the plurality of broadcast sporting events" (Knudson et al.: Col 10, Lines 43-54). For example, Figure 7 illustrates an example of an alert which informs the user that the "Pistons At Hornets" game is about end.

Claim 20 is rejected wherein the "alert notifications are capable of invoking an action when delivered to the client system" such as the user deciding to tuning to watch the particular remainder of the program (Knudson et al.: Col 10, Line 62 – Col 11, Line 4; Col 14, Lines 14-27).

Claim 22 is rejected wherein the "event producer is capable of generating event log indices for at least one of the plurality of television programs, encapsulating the event log indices, and inserting the same into the data stream" in association with the particular generation and distribution of game recaps/highlights (Knudson et al.: Col 18, Lines 8-11).

Claim 40 is rejected in light of the aforementioned combination of references which taken in combination discloses a "method for managing bandwidth in a system for displaying enhanced broadcast television content" and were previously discussed in greater detail. As illustrated in Figure 1, Knudson et al. illustrates a distribution facility [26] "receiving a plurality of data feeds" [30], "associating the portions of data feeds having a common event identifier" [176] and "displaying a user interface for an event associated with the common event identifier, the user interface comprising information representing the associated portions of the data feeds for the event" [178] (Figure 10).

As previously noted, Knudson teaches a "portion of each data feed having an associated event identifier" (Figures 20 and 22) and "each event identifier" having an associated expiration time (Col 17, Lines 26-45). The reference, however, is silent with respect to the prioritization of these 'received feeds'. In an analogous art pertaining to the field of interactive video distribution, the Rasson et al. reference discloses techniques for the prioritization of distribution of data associated with programming guides. In particular, the reference discloses "assigning priority levels" (ex. logically designated higher priority or lower priority) based upon the content data (ex. data needed sooner or later based upon expiration) (Col 6, Line 64 – Col 7, Line 14) in order to "enable the associated portion of the data feed to be received" at the corresponding priority (Figures 3 and 5; Col 6, Lines 1-40; Col 7, Line 66 – Col 8, Line 42). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Knudson et al. to "receive a plurality of data feeds in accordance with an associated priority level, a portion of each data feed having an associated event identifier, and each event identifier having an

associated priority level wherein a first event identifier of a first data feed is assigned a real-time priority level based on a first content of the first data feed to enable the associated portion of the data feed to be received at a highest priority, and a second event identifier of a second data feed is assigned a priority level based on a second content of a second data feed, the second priority level being selected from a group consisting of: a fast priority level, a normal priority level, and a low priority level, where a portion of a data feed assigned a fast priority level is given more precedence in delivery than portions of data feeds assigned the normal priority level, where a portion of a data feed assigned a normal priority level is given more precedence in delivery than portions of data feeds assigned the low priority level" for the purpose of providing an efficient/improved arrangement for the delivery of program guide data to set-top terminals (Rasson et al.: Col 1, Lines 38-63).

Claim 41 is rejected wherein the "portion of the data feed associated with the first event identifier indicates an alert" (Knudson et al.: Col 10, Lines 43-54). For example, Figure 7 illustrates an example of an alert which informs the user that the "Pistons At Hornets" game is about end.

Claim 42 is rejected wherein the "second priority level is a fast priority level, and the portion of the data feed associated with the second event identifier indicates a score of a television program" (Knudson et al.: Col 18, Lines 10-11)

Claim 43 is rejected wherein the "second priority level is a normal priority level, and the portion of the data feed associated with the second event indicates a news article" associated with the team (Knudson et al.: Col 18, Lines 20-24).

Claim 44 is rejected wherein the "second priority level is a low priority level, and the

portion of the data feed associated with the second event indicates static information:

(Knudson et al.: Col 18, Lines 19-20).

7.   Claims 1-4, 6-9, 11, 14, 30-33, 34 and 36 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Knudson et al. (US Pat No. 6,536,041), in view of Marshall et al. (US Pub

No. 2002/0010697), and in further view of Rasson et al. (US Pat No. 6,137,549).

Claim 1 is rejected wherein Knudson et al. illustrates a "method for delivering enhanced

broadcast television content". As illustrated in Figure 1, Knudson et al. illustrates

"receiving" [40] a "plurality of data feeds over a first broadcast channel" [46] (Col 6, Lines

6-9) wherein the "data feeds include television program data" and other information as

derived from real-time data sources [30].

Knudson et al. suggests the usage of one or more real-time data sources (Col 2, Lines 27-

30), however, it is silent with respect to the "data feeds including . . . Internet Protocol data".

In an analogous art pertaining to interactive video distribution, the Marshall et al. reference

discloses providing a "data feed . . . including Internet Protocol data" (Para. [0009]).

Accordingly, it would have been obvious to one having ordinary skill in the art to modify the

real-time data sources [30] to include the "Internet Protocol data" of Marshall in order to

provide a network for comprehensive coverage of amateur / local competitive sports

(Marshall et al.: Para. [0008] – [0009]).

Taken in combination, Knudson subsequently teaches "creating a first indicator

associated with an event that occurs in at least one of a plurality of television programs",

"creating a second indicator associated with at least a portion of the television program data",

"creating a third indicator associated with at least a portion of the Internet Protocol data",

"assigning an identifier to at least one of said plurality of television programs", "associating

the identifier with the at least a portion of the television data to associate the portion of the

television data with the at least one television program", "associating the identifier with the

at least a portion of the Internet Protocol data to associate the at least a portion of the Internet

Protocol data with the at least one television program", and subsequently "delivering the

plurality of television programs [and associated event information] over a third broadcast

channel" [50] (Knudson et al.: Figures 9 and 10). Knudson discloses the particular usage of

updating intervals and corresponding expiration times for different types of real-time data

(Col 17, Lines 26-45), but is silent with respect to the prioritization and subsequent

distribution of content based priorities.

    In an analogous art pertaining to the field of interactive video distribution, the Rasson et

al. reference discloses a system and method for the prioritized delivery of data based at least

upon the expiration time of the content of the data. In particular, the reference teaches

"assigning . . . priorities" or factors including the expiration time / timeliness of particular

content of the data (Col 6, Line 64 – Col 7, Line 14), and "delivering . . . [information] to at

least one client system . . . based on the [respective first, second, or third] priority level" (Col

8, Lines 8-42). Accordingly, it would have been obvious to one having ordinary skill in the

art at the time the invention was made so as to modify the combined references using the

teachings of Rasson et al. so as to "assign a first priority to said first indicator", "assign a

second priority level different from the first priority level, to the second indicator", "assign a

third priority level, different from the first and second priority levels, to the third indicator. . .

deliver the first indicator and associated identifier to at least one client system in real-time

based on the first assigned priority level; deliver the second indicator and associated

identifier to the at least one client system in a fast mode based on the second assigned

priority level; and deliver the third indicator and associated identifier to the at least one client

system in a normal mode based on the third assigned priority level" for the purpose of

providing an efficient/improved arrangement for the delivery of program guide data to set-

top terminals (Rasson et al.: Col 1, Lines 38-63).

Claim 2 is rejected wherein "delivering the first indicator and associated identifier

includes transmitting to the at least one client system the first indicator and associated

identifier over a second broadcast channel" [28] (Knudson et al.: Figure 1; Col 5, Lines 41-

48).

Claim 3 is rejected wherein "delivering said third indicator and associated identifier

includes transmitting to the at least one client system the third indicator and associated

identifier in a trickle stream of the third broadcast channel" namely interleaved in-band with

the television programming (Col 6, Lines 37-43).

Claim 4 is rejected wherein "each of the first, second, and third priority levels

corresponds respectively to a time at which the associated first, second, or third indicator is

to be transmitted to said at least one client system" (Rasson et al.: Col 8, Lines 23-42).

Claim 6 is rejected wherein "said event indicates a real-time event occurring in a

televised sporting event" (Knudson et al.: Figure 22; Col 8, Lines 49-60).

Claims 7-9 are rejected wherein the "first indicator corresponds to a delivery of an alert

that an event is about to occur in the televised sporting event" wherein "said alert is a tunable

alert" and "said alert is capable of invoking an action when delivered to the at least one client

system". For example, as illustrated in Figure 7, the user is alerted that the 2nd quarter of the

Bulls / Celtics game is nearing its end and that they can tune to watch the game.

Claim 11 is rejected wherein the "first and second indicator correspond to sports

television programming currently in progress" (Knudson et al.: Col 18, Lines 12-18).

Claim 14 is rejected wherein "said identifier is a unique event identifier associated with a

television news item" (Knudson et al.: Col 5, Lines 53-56).

Claim 30 is rejected in light of the combined references which disclose a "method for

delivering broadcast television programming related to sporting events and associated

enhanced content". The method comprises "receiving broadcast television programming

relating to sporting events" by the set-top terminal (Knudson et al.: Figure 7) and

"generating a first dynamic content concerning an occurrence of a first event in the broadcast

television programming" such as that content associated with a scoring event and "generating

a second dynamic content concerning another occurrence of a second event in the broadcast

television programming" such as that content associated with game summaries. The method

subsequently "assigns a first event identifier to the first dynamic content associating the first

dynamic content to a first program in the broadcast television programming to create a

tunable alert" and "assigns a second event identifier to the second dynamic content

associating the second dynamic content to a second program in the broadcast television

program" (Knudson et al.: Figure 10; Col 14, Lines 14-27). As illustrated in Figures 7 and

13, the method involves "delivering the tunable alert together with at least a portion of the

broadcast television programming to one or more client devices" [48] through the television

distribution facility [26] such that the client can subsequently interact with the data so as to view programming as desired.

Knudson teaches that game recap information may include game highlights or any other suitable game summary information (Col 18, Lines 10-11), but is silent with respect to the particular usage of "box scores of a sports game". In an analogous art pertaining to interactive video distribution, the Marshall et al. reference discloses providing "box scores of a sports game" (Figure 7; Para [0032]) which may be provided in conjunction with a television broadcast (Figure 13; Para. [0041]). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide "box scores of a sports game" for the purpose of providing the user with a statistical summary of a sporting event quickly and efficiently informs a viewer of nearly everything that occurred in a given game. Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to particularly employ the teachings of Marshall et al. as one of the Knudson et al. real-time data source [30] so as to provide for consolidated network for providing comprehensive coverage of different sporting information that further provides for automatic data distribution to broadcasters (Marshall et al.: Para. [0008] – [0009]).

As previously noted, Knudson discloses the particular usage of updating intervals and corresponding expiration times for different types of real-time data or "dynamic content" (Col 17, Lines 26-45), but is silent with respect to the prioritization and subsequent distribution of content based priorities. In an analogous art pertaining to the field of interactive video distribution, the Rasson et al. reference discloses techniques for the

prioritization of distribution of data associated with programming guides. In particular, the reference discloses "assigning a real-time priority" or 'high' priority level to a first content and "assigning a fast priority to the second event identifier, the fast priority level being lower than the real-time priority lower than the first priority, wherein the real-time priority and the fast priority are assigned based on the content of the first and second dynamic content" based at least upon its expiration time (Col 6, Line 64 – Col 7, Line 14), and subsequently "after delivering . . . [the first data], then delivering the second [data] to the one or more client devices" [44] (Figures 3 and 5; Col 6, Lines 1-40; Col 8, Lines 8-42). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the distribution techniques of Knudson et al. so as to further "assign a real-time priority level to the tunable alert; assign a fast priority to the second event identifier, the fast priority level being lower than the real-time priority, wherein the real-time priority and the fast priority are assigned based on the content of the first and second dynamic content; and . . . after delivering the tunable alert, then delivering the second event identifier to the one or more client devices" for the purpose of providing an efficient/improved arrangement for the delivery of program guide data to set-top terminals (Rasson et al.: Col 1, Lines 38-63).

Claim 31 is rejected wherein the method further "creates a listing of a plurality of sporting events" such as programming guide data [24] (Knudson et al.: Figure 1), "assigns a normal identifier to at least respective ones of the sporting events to create an enhanced sports television schedule" wherein the "normal event identifier" may correspond to other types of sporting related dynamic content including team news and notes and "delivers the

enhanced sports television schedule to the one or more client devices" [48] whereupon the subscriber can subsequently access the information (Knudson et al.: Figure 23).

Claim 32 is rejected wherein the method further "periodically updating the enhanced sports television schedule; and delivering an updated enhanced sports schedule to the one or more client devices" (Knudson et al.: Figure 12).

Claim 33 is rejected in light of the combined references. As illustrated in Figure 20, Knudson et al. further provides the distribution of substantially static information such as 'schedule information' that is updated infrequently. Figure 10 illustrates 'creating a fourth indicator' associated with the particular 'schedule information' and "delivering the fourth indicator . . . to at least one client system". Marshall teaches that 'at least another portion of the Internet Protocol data' may comprise 'schedule information' (Para. [0037]). Rasson teaches the particular "assigning a fourth priority level, different from the first, second, and third priority levels, to the fourth indicator and delivering the fourth indicator and associated identifier to the at least one client system in a low mode based on the fourth assigned priority level" (Figures 3 and 5; Col 6, Lines 1-40; Col 8, Lines 8-42). Accordingly, taken in combination, the reference teach "creating a fourth indicator associated with at least another potion of the Internet Protocol data associating the identifier with the at least another portion of the Internet protocol data, assigning a fourth priority level, different from the first, second, and third priority levels, to the fourth indicator, and delivering the fourth indicator and associated identifier to the at least one client system in a low mode based on the fourth assigned priority level" in association with the creation and delivery of schedule information.

Claims 34 and 36 are rejected wherein the Marshall et al. reference discloses the
particular existence of "Internet Protocol data" in order to provide both "substantially static
information" and "daily information" in the form of schedule information and team
notes/news respectively (Figure 1; Para. [0026]).

8.   Claims 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et
al. (US Pat No. 6,536,041), in view of Rasson et al. (US Pat No. 6,137,549), and in further
view of Marshall et al. (US Pub No. 2002/0010697).

Regarding claim 37, as previously noted the Knudson reference is silent with respect to
the "second data feed comprising box scores of a sport game currently in progress". In an
analogous art pertaining to interactive video distribution, the Marshall et al. reference
discloses providing "box scores of a sports game currently in progress" (Figure 7; Para
[0032] and [0040]) based upon the reporter immediately posting results of a particular
quarter/inning. Accordingly, it would have been obvious to one having ordinary skill in the
art at the time the invention was made to provide "box scores of a sport game currently in
progress" for the purpose of providing the user with a statistical summary of a sporting event
quickly and efficiently informs a viewer of nearly everything that occurred in a given game
up to that point. Furthermore, it would have been obvious to one having ordinary skill in the
art at the time the invention was made to particularly employ the teachings of Marshall et al.
as one of the Knudson et al. real-time data source [30] so as to provide for consolidated
network for providing comprehensive coverage of different sporting information that further
provides for automatic data distribution to broadcasters (Marshall et al.: Para. [0008] –
[0009]).

Regarding claims 38 and 39, as previously, the "third data feed comprising daily information" such as that corresponding to team notes/news and the "fourth data feed comprises substantially static information" associated with team schedules. While Knudson suggests that a variety of real-time data sources [30] can be utilized through their interconnection via a variety of links [28] (Col 5, Line 39 – Col 6, Line 9), the reference is silent with respect to the data being derived from "Internet Protocol data". The analogous Marshall et al. reference discloses the particular existence of "Internet Protocol data" in order to provide both team notes/news and schedule information (Figure 1; Para. [0026]). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to particularly employ the teachings of Marshall et al. such that the respective "third" and "fourth data feeds [are] from Internet Protocol Data feed[s]" for the purpose of providing a consolidated network for providing comprehensive coverage of different sporting information that further provides for automatic data distribution to broadcasters (Marshall et al.: Para. [0008] – [0009]).

9.   Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. (US Pat No. 6,536,041), in view of Marshall et al. (US Pub No. 2002/0010697), in view of Rasson et al. (US Pat No. 6,137,549), and in further view of Ward et al. (WO 00/333576 A1).

In consideration of claim 35, Knudson teaches that "at least a portion of the television program data includes a . . . score of a game currently in progress" (Col 14, Lines 1-27; Col 18, Lines 11-14). It is unclear if the particularly displayed representation is a 'box score' per se. In an analogous art related to interactive video distribution, the Ward et al. reference discloses "at least a portion of television program data includes a box score of a game

currently in progress" (Figure 6; Page 8, Line 35 – Page 9, Line 3; Page 9, Lines 16-21).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to modify Knudson such that "at least a portion of the television

program data includes a box score of a game currently in progress" for the purpose of

providing the viewer with robust statistical scoring summary of the game on an inning by

inning basis.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure as follows. Applicant is reminded that in amending in response to a rejection of

claims, the patentable novelty must be clearly shown in view of the state of the art disclosed

by the references cited and the objections made.

- The Eyer et al. (US Pat No. 5,801,753) reference provides evidence as to the usage of

  a 'trickle stream' in distributing program guide data.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until

after the end of the THREE-MONTH shortened statutory period, then the shortened statutory

period will expire on the date the advisory action is mailed, and any extension fee pursuant to

37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Scott Beliveau whose telephone number is 571-272-7343.

The examiner can normally be reached on Monday-Friday from 8:30 a.m. - 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status information

for unpublished applications is available through Private PAIR only. For more information

about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access

to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197

(toll-free). If you would like assistance from a USPTO Customer Service Representative or

access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or

571-272-1000.

Scott Beliveau
Primary Examiner
Art Unit 2623

SEB
July 16, 2007